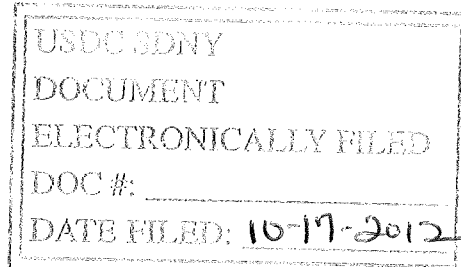
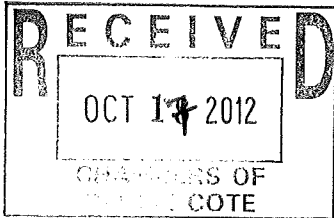


CURTIS, MALLET-PREVOST, COLT & MOSLE LLP

ALMATY KUWAIT CITY
ASHGABAT LONDON
ASTANA MEXICO CITY
BUENOS AIRES MILAN
DUBAI MUSCAT
FRANKFURT PARIS
HOUSTON WASHINGTON, D.C.
ISTANBUL

ATTORNEYS AND COUNSELLORS AT LAW
101 PARK AVENUE
NEW YORK, NEW YORK 10178-0061

TELEPHONE 212-696-6000
FACSIMILE 212-697-1559
WWW.CURTIS.COM



WRITER'S DIRECT:
TEL.: 212-696-6192
E-MAIL: ELAUER@CURTIS.COM

MEMO ENDORSED

October 17, 2012

By Hand

The Honorable Denise Cote
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Pollard v. U.S. Department of Justice et ano.
Docket No. 12-cv-3229 (DLC)

*The conference is adjourned
to November 30, 2012 at
9:30 am.*
Denise Cote
October 17,
2012

Dear Judge Cote:

We represent plaintiffs Jonathan J. Pollard and Jacques Semmelman (together, the "Plaintiffs") in the above-referenced action. We write to you, jointly with the Government, to respectfully request an adjournment of the initial pretrial conference scheduled for October 19, 2012. The reason for the adjournment is that the Government will be providing certain materials and information to the Plaintiffs on or before November 9, 2012. It would make sense for the Plaintiffs to receive and review those materials and that information, and evaluate what (if anything) Plaintiffs believe remains to be produced. The parties would conduct a further conference among themselves after November 9, and would submit a proposed discovery and briefing schedule to the Court shortly thereafter. The parties would appear in court for the initial pretrial conference any time thereafter, at the Court's convenience.

On April 24, 2012, Plaintiffs filed a complaint for injunctive relief under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, seeking five classified documents and all documents related to any declassification review of one of the five classified documents. The defendants United States Department of Justice and United States Department of Defense (together, the "Government") filed an answer to the complaint on June 25, 2012. On July 23, 2012, the Government wrote to Your Honor, on behalf of both parties, in anticipation of the initial pretrial conference scheduled for July 27, 2012. The parties jointly requested permission to postpone the pretrial conference and the preparation of a proposed schedule for any discovery and motions. The reason for postponing the conference was to allow the Government ninety


days to perform a declassification review to determine if all, or part, of the five classified documents should be declassified, and thus the scope of discovery and motions narrowed or eliminated altogether.

On October 10, 2012 and October 16, 2012, the parties conferred by telephone about the result of the Government's declassification review of the five classified documents and the Government's ongoing search for all documents related to any prior declassification review. The Government informed the Plaintiffs that it has located four of the five classified documents. The Government has advised that, by November 9, 2012, the Plaintiffs will receive a letter from an appropriate Government representative transmitting a differently-redacted set of four of the five classified documents, along with information describing the Plaintiffs' rights going forward. With respect to the fifth classified document—a sealed portion of a court transcript—the Government has located the stenographer's notes but it does not believe that a transcription exists.

The parties respectfully submit that they will be in a better position to set reasonable discovery and briefing schedules, if necessary, once they know which portions of the five classified documents will be produced on November 9 and which portions will continue to be withheld pursuant to an exemption under FOIA. Thus, the parties jointly request an adjournment of the October 19 initial pretrial conference to enable the Plaintiffs to receive and review the November 9 materials, and, if still necessary, for the parties to conduct another conference among themselves after November 9 and to submit a proposed discovery and briefing schedule to the Court shortly thereafter. After that, the parties would appear for the initial pretrial conference at the Court's convenience.

Of course, the parties are prepared to appear at the October 19, 2012 conference should Your Honor still wish to see us at that time.

Respectfully,



Eliot Lauer

cc: Christine S. Poscablo, Esq. (by e-mail)